

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

2006 MAR 13 P 2:32

LAWRENCE J. MESITE,  
Plaintiff

CIVIL ACTION  
NO. 04-11942-GAO  
DISTRICT COURT  
DISTRICT OF MASS.

v.

NEWTON POLICE OFFICER, DAWN HOUGH,  
NEWTON POLICE OFFICER, JOANNE BLAY,  
NEWTON POLICE OFFICER, DINA VACCA,  
CITY OF NEWTON, SUPERINTENDENT,  
KENNETH NELSON AND BRIDGEWATER  
STATE HOSPITAL  
Defendants

**REQUEST FOR COURT ORDER REQUIRING  
PRODUCTION OF DOCUMENTS PURSUANT TO SUBPOENA**

Defendants City of Newton Police Officers Dawn Hough, Joanne Blay and Dina Vacca hereby request a Court Order so that Bridgewater State Hospital may produce records pursuant to a Subpoena Duces Tecum.

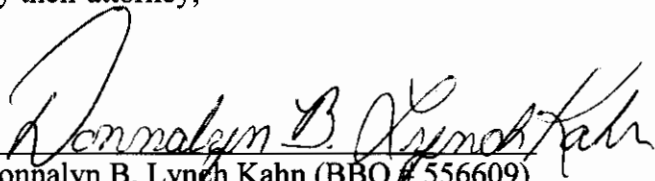
In support of this Request, Defendants state as follows:

1. Bridgewater State Hospital is a named defendant in the above-captioned matter but has not yet been served with a copy of the Complaint.
2. On or about February 24, 2006, Defendants served upon the Keeper of Records for Bridgewater State Hospital a Subpoena Duces Tecum for certified documents related to Plaintiff Lawrence J. Mesite. (See Subpoena Duces Tecum attached hereto as Exhibit "A").
3. The Keeper of Records for Bridgewater State Hospital has advised that a Court Order is required for release of the certified documents requested in the Subpoena Duces Tecum.

WHEREFORE, Defendants respectfully request that this Court issue an Order allowing Bridgewater State Hospital to release to Defendants the documents sought in the attached Subpoena Duces Tecum.

DEFENDANTS, CITY OF NEWTON  
POLICE OFFICERS DAWN HOUGH,  
JOANNE BLAY AND DINA VACCA,

By their attorney,

  
Donnalyn B. Lynch Kahn (BBO # 556609)  
Assistant City Solicitor  
City of Newton Law Department  
1000 Commonwealth Avenue  
Newton Centre, MA 02459  
Tel: (617) 796-1240

Dated: March 10, 2006

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

LAWRENCE J. MESITE,  
Plaintiff

v.

NEWTON POLICE OFFICER, DAWN HOUGH,  
NEWTON POLICE OFFICER, JOANNE BLAY,  
NEWTON POLICE OFFICER, DINA VACCA,  
CITY OF NEWTON, SUPERINTENDENT,  
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STATE HOSPITAL  
Defendants

CIVIL ACTION  
NO. 04-11942GAO

**SUBPOENA DUCES TECUM**

TO: Keeper of Records  
Bridgewater State Hospital  
20 Administration Road  
Bridgewater, MA 02324

You are hereby commanded in the name of the Commonwealth of Massachusetts to appear before a Notary Public or other officer duly authorized to administer oaths at the offices of Donnalyn B. Lynch Kahn, Esq. at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459 on March 17, 2006 at 10:00 AM and from day-to-day thereafter, to testify concerning former Bridgewater State Hospital prisoner Lawrence J. Mesite.

You are further required to bring with you the following documents.

1. Certified documents regarding former Bridgewater State Hospital prisoner Lawrence J. Mesite from 1980 to present.
2. Certified medical records regarding former Bridgewater State Hospital prisoner Lawrence J. Mesite from 1980 to present.
3. Certified disciplinary records regarding former Bridgewater State Hospital prisoner Lawrence J. Mesite from 1980 to present.

4. Certified reports of injury to former Bridgewater State Hospital prisoner Lawrence J. Mesite from 1980 to present.

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf made and provided.

PLEASE NOTE THAT IF THE DOCUMENTS REQUESTED ARE  
RECEIVED BY ATTORNEY DONNALYN B. LYNCH KAHN  
PRIOR TO THE DEPOSITION DATE, YOU NEED NOT APPEAR.

Dated:

2/24/06

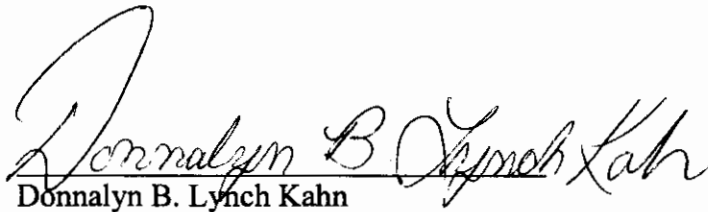
Notary:

Barbara Resh



**RULE 7.1 CERTIFICATION**

I, Donnalyn B. Lynch Kahn, hereby certify that I have conferred with counsel for the Plaintiff. This motion does not require the resolution of a conflict between Plaintiff and Defendants.

  
Donnalyn B. Lynch Kahn

**CERTIFICATE OF SERVICE**

I, Donnalyn B. Lynch Kahn, hereby certify that on this date I have mailed First Class postage prepaid a copy of the within to Damon Scarano, Esq.

Signed under the pains and penalties of perjury this 10th day of March, 2006.

  
Donnalyn B. Lynch Kahn  
Assistant City Solicitor